

LABOUR DEPARTMENT

The 17th May, 1982

No. 9(1)82-6Lab./4531.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s. Bhandari Homeopathic Laboratories, D.L.F. Industrial Estate, No. 1, Delhi Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD.

Reference No. 48 of 1980

Between

SHRI ANIL KUMAR ARORA, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S.
BHANDARI HOMEOPATHIC LABORATORIES, D.L.F. INDUSTRIAL ESTATE, NO. 1,
DELHI MATHURA ROAD FARIDABAD

Present—

Shri Sager Ram Gupta, for the workman.

Shri H. R. Due, for the respondent-management.

AWARD

This reference No. 48 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/268-79/6611, dated 5th February, 1980, under section 10(i)(c) of the Industrial Disputes Act, 1947, existing between Shri Anil Kumar Arora, and the respondent management of M/s. Bhandari Homeopathic Laboratories, D.L.F. Industrial Estates, No. 1, Delhi Mathura Road, Faridabad. The terms of the reference was:—

Whether the termination of services of Shri Anil Kumar Arora was justified and in order? If not, to what relief is he entitled?

Notices were issued to the parties on receiving this reference order. The parties appeared and filed their pleadings. The case of the workman according to the demand notice and claim statement is that he was working for three years and drawing Rs. 505 per month and services were terminated,—*vide* letter dated 5th December, 1978 is quite illegal and unjustified without any charsheet or enquiry against the workman. The employer has violated the principles of natural justice and the orders of the respondent is illegal. So the workman is entitled for the reinstatement with full back wages and continuity of service.

The case of the respondent is according to the written statement is that the claimant was working as Sales representative trainee,—*vide* appointment letter dated 1st June, 1976. He was not under the control of the management and was carrying on duty out side the factory premises, for sales promotion and so he was not a workman within the definition of the Industrial Disputes Act. The services of the workman were terminated 23rd November, 1978 and he collected his full and final settlement to join M/s. Bhartia pharmacea uticals Lajpat Nagar, New Delhi. After joining the said employment, no cause of action remains to be adjudicated by the Hon'ble Court. The claimant wanted to thrust upon the service conditions which were not acceptable to the management. He wanted increase in D. A. from 25 to Rs. 35 and increment in the travelling allowance and further expressed that in case the management does not accept his demands it shall not be possible for him to proceed on tour. The service conditions were not acceptable by the management so his services were terminated on 23rd November, 1978 and he collected his full and final settlement and his entire claim,—*vide* receipt dated 18th April, 1979. The termination of services of the workman is legal and justified. The management has not violated the principle of natural justice. So the reference may be rejected.

On the pleadings of the parties, the following issues were framed:—

1. Whether the workman falls under the category of the workman according to 2 (s) of the I. D. Act.
2. Whether the claimant workman has fully and finally settled his account and now there is no claim with him.

3. Whether the claimant is gainfully employed since his termination ? If so, to what effect.
4. Whether the services of the workman were terminated and the termination was in proper and illegal ? If not, to what relief is he entitled.

My findings on issues are as under:-

Issue No. 1—On this issue both the parties did not lead any evidence and also did not press this issue. So the issue is decided in favour of the workman and against the respondent.

Issue No. 2.—Issue No. 2 is whether the workman has taken his full and final. The representative of the respondent argued on this issue that the workman demanded D. A. from Rs. 25 to Rs. 35 and travelling allowance and expressed that in case the management did not accept his demands it shall not be possible for him to proceed on tour. The workman stopped touring and it was very difficult for the respondent to accept the demands of the workman. The workman tried in other concerned and got the job in M/s Bhartia Pharmaceuticals, Lajpat Nagar, New Delhi and took his full and final on 18th April, 1979 which is Ex. M-11. He has written with his own hand to receive the cheque for his full and final for Rs. 1675 which is admitted by the workman in his cross examination as WW-1 that he signed the Ex. M-11 after admitting the signature and the amount received, there is nothing remained with the workman to see that he is claiming any thing from the respondent.

The representative of the workman argued that though the workman received his full and final but it was due to pressure and has otherwise the workman was terminated by the respondent without paying the retrenchment compensation and other benefits of the respondent which is not according to law. The respondent should have paid this amount to the workman.

After hearing the arguments of both the parties, and going through the file I am of the view that when the workman has admitted his full and final receipt and received the amount of his full and final settlement, then there is no claim of the workman remained with the respondent, and there is no dispute with the respondent. Self admission needs no further proof in such cases. So issue is decided in favour of the respondent.

Issues Nos. 3 and 4.—After deciding issue No. 2 in favour of the respondent that the claimant has taken his full and final and signed the full and final receipt then there is no need to discuss issue No. 3 for the gainfull employment and the termination issue whether the order of termination is in order. Because the workman has admitted in his cross examination that he signed the full and final settlement and took the amount of the settlement through cheque so there is no termination of the workman rather the workman has left the service of his own there is no dispute with the respondent and the workman is not entitled to any relief. This be read in answer to this reference.

Dated, the 20th April, 1981.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana, Faridabad.

Endorsement No. 902, dated 27th April, 1982

Forwarded (four copies) to the Commissioner and Secretary to Government of Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

The 10th June, 1982

No. 9 (1)82-6 Lab/4916.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Arun Metal Industries, Hanuman Gate, Jagadhri :—

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR
COURT, HARYANA, FARIDABAD.

Reference No. 148 of 1980

(Fbd. 363/1981)

between

SHRI RATTANA RAM, WORKMAN AND THE MANAGEMENT OF M/S ARUN
METAL INDUSTRIES, HANUMAN GATE, JAGADHRI.

Shri Surinder Kumar for the workman.

Shri Subhash Chand & Parveen Goyal partner for the management.

AWARD

This reference No. 148 of 1980 has been referred to the Labour Court, Rohtak by the Hon'ble Governor of Haryana,—*vide* his order No. ID/VMN/105/80/34666, dated 26th June, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Rattana Ram workman and the management of M/s Arun Metal Industries, Han man Gate, Jagadhri. The term of the reference was :—

Whether the termination of services of Shri Rattana Ram was justified and in order? If not, to what relief is he entitled?

After receiving this reference, notices were sent to the parties by the Labour Court, Rohtak. The parties appeared and the representative of the workman stated that the demand notice be treated as claim statement and the case was fixed for filling of written statement by the management. Seven adjournments have already been given to the management for written statement by the Labour Court, Rohtak. Then the Haryana Government transferred this case to this Court,—*vide* order No. 1 (79)-80-1 Lab, dated 20th October, 1981. And this case was received in this Court in December, 1981 in reference No. Fbd. 363/ 1981.

After receiving this case file, notices were sent to the parties for 9th March, 1982 for filling of written statement. On the same day the case was adjourned on the request of the management for 8th April, 1982. On 8th April, 1982 none was present on behalf of the parties. In these circumstances, I feel that the workman is not interested to pursue his case. So I hold that the reference is bad in law and the case is dismissed in default of the parties. No orders as to costs. I give my award accordingly.

Dated the 5th May, 1982.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana, Faridabad.

Endst. No. 1019, dated the 10th May, 1982.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledge within week's time.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 9(1)82-6Lab/4917.—In pursuance of the provision of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s V. P. Enterprises, Railway Road, Jagadhri.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 12 of 1980

(Fbd. 338/1981)

between

SHRI GURNAM SINGH, WORKMAN AND THE MANAGEMENT OF M/S V. P.
ENTERPRISES, RAILWAY ROAD, JAGADHRI.

Shri Surinder Kumar, for the workmen.

None, for the management.

AWARD

This reference No. 12 of 1980 has been referred to the Labour Court Rohtak by the Hon'ble Governor of Haryana,—*vide* his order No. ID/KNL/193-79/2038, dated 15th January, 1980, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Gurnam

Singh, workman and the management of M/s. V.P. Enterprises, Railway Road, Jagadhri. The term of the reference was :—

Whether the termination of service of Shri Gurnam Singh was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference, notices were sent to the parties by the Labour Court, Rohtak. On 24th April, 1980 neither the management nor their representative was present. The service of notice has been effected to the management under Regd. A.D. It was already 1.00 P. M. The case was called thrice. In these circumstances, the *ex parte* orders were passed against the management and the case was fixed for the *ex parte* evidence of the workman. Ten adjournments have already been given by the Labour Court, Rohtak to the workman for his *ex parte* evidence. Then the Haryana Government transferred this case to this Court,—*vide* order No. 1 (79)—80—I Lab., dated 20th October, 1981. And this case was received in this Court in December, 1981 in reference No. 338/1981.

After receiving this case file, notices were sent to the parties. I also gave the time to the workman on 8th April, 1982 for his *ex parte* evidence but he failed. In these circumstances, I feel that neither the workman nor his representative is interested to pursue his case. So I hold that the reference is bad in law and the case is dismissed in default of the parties. No orders as to costs. I give my award accordingly.

Dated the 5th May, 1982.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement. No. 1020, dated 10th May, 1982.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the abovesaid award may please be acknowledge within week's time.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9(1)-82-6Lab/4918.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. N. N. Metal Industries, Jasco Colony, Jaroda Gate, Jagadhri.

IN THE COURT OF SHRI HARI SINGH KAUSHIK PRESIDING OFFICER LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 13 of 1980

(Fbd. 339 of 1981)

between

SHRI OM PARKASH, WORKMAN AND THE MANAGEMENT OF M/S. N. N. METAL INDUSTRIES, JASCO COLONY, JARODA GATE, JAGADHRI.

Shri Surinder Kumar, for the workman.

None, for the management.

AWARD

This reference No. 13 of 1980 has been referred to the Labour Court, Rohtak by the Hon'ble Governor of Haryana,—*vide* his order No. ID/YN/192-79/2044, dated the 15th January, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Om Parkash, workman and the management of M/s N. N. Metal Industries, Jasco Colony, Jaroda Gate, Jagadhri. The term of the reference was :—

Whether the termination of services of Shri Om Parkash was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference, notices were sent to the parties by the Labour Court, Rohtak. On 24th April, 1980 neither the management nor their representative was present. The service of notice has been effected to the management under Regd.A.D. It was already 1.00 P.M. The case was called thrice. In these circumstances, the *ex parte* orders were passed against the management and the case was fixed for the *ex parte* evidence of workman. Two adjournments have already been given by the Labour Court, Rohtak to the workman for his *ex parte* evidence. Then the Haryana Government transferred this case to this Court,—*vide* order No. 11(79)-80-I Lab, dated 20th October, 1981. And this case was received in this Court in December, 1981 in reference No. Fbd. 339/1981.

After receiving this case file, notices were sent to the parties. I also gave the time to the workman on 8th April, 1982 for his *ex parte* evidence but he failed. In these circumstances, I feel that neither the workman nor his representative is interested to pursue his case. So I hold that the reference is bad in law and the case is dismissed in default of the parties. No orders as to costs. I give my award accordingly.

Dated, the 5th May, 1982.

HARI SINGH KAUSHIK,
Presiding Officer, Labour Court,
Haryana, Faridabad.

Endorsement. No. 1021, dated the 10th May, 1982.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledged within week's time.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9(1)82-6Lab./4919.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Continental Construction Pvt. Ltd., 14/2, Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 113 of 1981

between

SHRI MUKESH KUMAR SEKHARI, WORKMAN AND THE MANAGEMENT OF M/S CONTINENTAL CONSTRUCTION PVT. LTD., 14/2, MATHURA ROAD, FARIDABAD

Presents —

Shri Chaman Lal Oberai, for the workman.

Mrs. Anita Bahari, for the management.

AWARD

This reference No. 113 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/23-81/10067, dated 3rd March, 1981, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Mukesh Kumar Sekhari, workman and the management of M/s. Continental Construction Pvt. Ltd., 14/2, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Mukesh Kumar Sekhari was justified and in order? If not, to what relief is he entitled?

After receiving this reference, notices were sent to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 7th August, 1981, and the case was fixed for the evidence of the management. The evidence was recorded on 22nd December, 1981 as WM-1 and closed their case. Then the case was fixed for the evidence of workman and four adjournments were

given to the representative for the evidence of the workman but he failed. On 23rd April, 1982 the representative of the workman made a statement in this Court that the workman is not coming in spite of sending the information about his case. He further stated that he does not want to pursue his case and withdrawn the same. In these circumstances, I feel that the workman is not interested to pursue his case and withdrawn by the representative of the workman. So I hold that there is no dispute between the parties. I give my award accordingly. No orders as to costs.

Dated the 5th May, 1982.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 1022, dated 10th May, 1982.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the abovesaid award may please be acknowledged within week's time.

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9(1)-82-6Lab./4920.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Paonta Auto Industries 18/2, Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 82 and 115 of 1981

Between

SARVSHRI BALWANT SINGH AND BHIM-SINGH, WORKMEN AND THE RESPONDENT MANAGEMENT OF M/S. PAONTA AUTO INDUSTRIES, 28/2, MATHURA ROAD, FARIDABAD

Present.—

Workman in person with Shri S. R. Gupta.

Shri R. C. Sharma, for the management.

AWARD

These references Nos. 82 and 115 of 1981 has been referred to this court by the Hon'ble Governor of Haryana.—*vide* his order Nos. ID/FD/284-80/7368, dated 13th February, 1981 and 161-80/16711, dated 6th March, 1981 (ID/FD/161-80/49607-11, dated 30th September, 1981) under section 10(i)(c) of the Industrial Disputes Act 1947 for adjudication the dispute existing between Sarvshri Balwant Singh and Bhim Singh, workmen and the management of M/s Paonta Auto Industries, 18/2 Mathura Road, Faridabad. The term of the reference was:—

Whether the termination of services of Sarvshri Balwant Singh and Bhim Singh were justified and in order ? If not, to what relief are they entitled ?

After receiving these references, notices were sent to the management. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 7th August, 1981 and on 17th November, 1981 the parties prayed for consolidate these reference as the same nature, facts and law and against the same management. I exceeded their request and ordered for consolidate these references. It is also ordered that the evidence shall be recorded in Reference No. 82 of 1981 of Shri Balwant Singh. The evidence of the management has been recorded and closed their cases. On 21st April, 1982 the case was fixed for the evidence of workmen, but neither the workmen nor their representative was present. It was already 11.10 A.M. The case was called thrice. On the other hand the representative of the management made a statement in this Court that the workmen have settled their case with the management mutually and also filed the copies of settlement Ex.M-1 and M-2. He further stated that according to the settlement Ex.M-1 and M-2 the workmen also received their full and final settlement of Rs 915 and Rs 675 of their all claims or disputes including the right of reinstatement or re-employment respectively. He also stated that there is no dispute between the parties.

In the light of the above statement of the representative of the management and according to the settlement Ex. M-1 and M-2 between the parties, I hold that the workman have stated their dispute with the management mutually and also received their full and final accounts, so there is no dispute between the parties. I give my award accordingly. No orders as to costs.

HARI SINGH KAUSHIK,

Dated the 5th May, 1982.

Presiding Officer,
Labour Court, Haryana, Faridabad.

Endorsement No. 1023, dated 10th May, 1982.

Forwarded (four copies) to the Commissioner and Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the abovesaid award may please be acknowledged within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 9(1)82-6 Lab/4921.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s United Metal and Plastics Private Limited, 18/2 Mathura Road, Faridabad:—

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 116, 166 & 237 of 1981

between

S/SHRI UMA SHANKAR GIRJA PARSHAD AND BIJENDERA SINGH WORKMAN AND
THE RESPONDENT MANAGEMENT OF M/S. UNITED METAL AND PLASTICS
PRIVATE LIMITED, 18/2 MATHURA ROAD, FARIDABAD.

Present :—

Workman in person with Shri S. R. Gupta.

Shri R. C. Sharma for the management.

AWARD

These reference Nos. 116, 166 & 237 of 1981 have been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/161-80/10705, dated 6th March, 1981, 269/80/24242, dated 14th May, 1981 and 154/80/45380, dated 4th August, 1981 under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Sarvshri Uma Shanker, Girja Parshad and Bijendra Singh workman and the respondent management of M/s. United Metal and Plastic (P) Ltd., 18/2, Mathura Road, Faridabad. The term of the reference were:—

Whether the termination of service of S/Shri Uma Snaker and Bijendra Girja Parshad were justified and in order ? If not, to what relief are they entitled ?

After receiving these references, notices were sent to the management. The parties appeared and filed their pleading. On the pleadings of the parties, issues were framed on 15th July, 1981, 7th August, 1981 and 16th October, 1981 respectively. The evidence of the management have been recorded and closed their case. On 21st April, 1982 the case was fixed for the evidence of the workman and arguments of the parties but neither the workmen nor their representative was present. It was already 11.10 A. M. The case was called thrice. On the other hand the representative of the management made a statement in this Court that the workman have settled their case with the management mutually and also filed the copies of settlement Ex. M-1, M-2 & M-3. The representative of the management also prayed for consolidation of these reference as the same nature, facts and law and against the same management. I exceeded their request and ordered for consolidate these references. It is also ordered that the statement shall be. He further stated that according to the settlement Ex. M 1 to M-3, the workmen also received their

full and final settlement of Rs. 150, 700 and 975/- of their all claims or disputes including the right of reinstatement or re-employment respectively. He further stated that there is no dispute between the parties.

In the light of the above statement of representative of the management and according to the settlement Ex. M-1 to M-3 between the parties, I hold that the workmen have settled their dispute with the management mutually and also received their full and final accounts, so there is no dispute between the parties. I give my award accordingly. No orders as to costs.

HARI SINGH KAUSHIK,

Dated the 15th May, 1982.

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 1024, dated 10th May, 1982

Forwarded (four copies) to the Commissioner and Secretary to Govt., Haryana, Labour & Employment Deptt., Chandigarh as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above said award may please be acknowledge within week's tiffie.

HARI SINGH KAUSHIK

Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 9(1)82-6Lab./5265.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Hans Balmount Rubber Industries, Industrial Area, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 101/1981

Between

SHRI PIAREY MOHAN, WORKMAN AND THE MANAGEMENT OF M/S. BALMOUNT RUBBER INDUSTRIES, INDUSTRIAL AREA, FARIDABAD.

Present :—

Shri R. C. Sharma, for the workman.

Nemo for the management.

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Piarey Mohan and the management of M/s Balmount Rubber Industries, Industrial Area, Faridabad by order No. ID/FD/81/17792, dated 31st March, 1981 to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of Industrial Disputes Act, 1947.—

Whether the termination of services of Shri Piarey Mohan was justified and in order? If not, to what relief is he entitled?

Notices of the reference were issued to the parties who appeared and filed their pleadings. On the pleadings of the parties, following issues were framed :—

- (1) Whether the domestic enquiry is fair and proper.
- (2) Whether the termination of services of Shri Piarey Mohan was justified and in order? If not, to what relief is he entitled?

Management examined Shri Mohinder Luthra, Manager as MW-1 then the case was fixed for the evidence of the workman, but on the date fixed the workman did not appear. Therefore, he was proceeded *ex parte*. Arguments were heard.

MW-1 deposed that the manager issued chargesheet Ex. M-1 to the workman. He held enquiry against him. Notice of the enquiry was Ex. M-2. Proceeding of the enquiry was Ex. M-3. Letters from the workman were Ex. M-4 to M-6. In the enquiry, the workman was represented by Shri G. R. Arya who was also present, in the Court at the time of recording of statement. He was not employed by the management. The finding of the enquiry was Ex. M-7. Second show cause notice Ex. M-8 was issued to the workman which was received back undelivered and envelope was Ex. M-9. Conciliation report was Ex. M-6. Postal receipts were Ex. M-11 and M-12. In cross examination he stated that he had no evidence to show that the workman was engaged in the service of any other factory. He further replied that letters of the workman were replied,—*vide* Ex. M-2. He denied the suggestion that the workman was not associated in the enquiry. Strike took place on 15th October, 1981. He never held any enquiry prior to it.

I have gone through the enquiry file and find that on every hearing, the workman was present along with his representative. Both of them signed each page of the enquiry proceedings. I find that the witnesses were cross examined on behalf of the workman. Shri S. S. Gulati, Ram Shanker and Ghanshyam supported the chargesheet. The workman himself made his own statement and requested for adjournment to lead his defence but on the date fixed he sought further adjournment as no evidence was present. His request was accepted by the enquiry Officer and another date was fixed for his defence. On this date, the workman made a statement that he was unable to produce any defence witness. I find that the Enquiry Officer has followed principle of natural justice and allowed full opportunity to the workman. He gave his finding Ex. M-1.

Issue No. 2

MW-1 testified that the action was taken on the enquiry finding. The workman was issued second show cause notice but he did not receive the same. However the workman failed to lead any evidence in support of his contention that his dismissal was wrong. Therefore, believing the evidence of the management, I hold this issues in favour of the management and I pass my award that the workman was not entitled to any relief.

Dated the 14th May, 1982.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 516, dated the 21st May, 1982.

Forwarded (four copies) to the Secretary to Government, of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)82-6Lab/5266.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Oswal Pressure Die Casting, Plot No. 48 Industrial Area, NIT, Faridabad :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 383/1981

between

SHRI CHATTAR SINGH, WORKMAN AND THE MANAGEMENT OF M/S
OSWAL PRESSURE DIE CASTING, PLOT NO. 48, INDUSTRIAL AREA, N. I. T., FARIDABAD

Present:

Shri R. C. Sharma for the Management.
Nemo for the Workman.

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Chattar Singh and the management of M/s Oswal Pressure Die Casting Plot No. 48, Industrial Area, N. I. T. Faridabad, by order No. ID/FD/167/81/57186, dated 23rd November, 1981, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (l) of Section 10 of the Industrial Dispute Act, 1947.—

Whether the termination of service of Shri Chattar Singh was justified and in order ? If not, to what relief is he entitled ?

Notices of the reference, were issued to the parties, who appeared and filed their pleadings. On the pleading of the parties, following issue was framed by my order dated 27th January, 1982 :—

Whether the termination of service of Shri Chattar Singh was justified and, in order ? If not, to what relief is he entitled ?

And the case was fixed for the evidence of the management. On the date fixed, the workman did not appear but the management was present. The case was ordered to be dismissed for non-prosecution by the workman. I, therfor, dismiss the case for non prosecution by the workman.

Dated 21st May, 1982.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 515, dated 21st May, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 28th June, 1982

No. 9(1)82-6Lab/5573.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Unitron Ltd., Plot No. 1-2. N. I. T., Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 99/1982

between *

SHRI RAJ KUMAR SINGH, WORKMAN AND THE MANAGEMENT OF M/S UNITRON LIMITED PLOT No. 1-2, N. I. T., FARIDABAD.

Present :

Shri R. N. Rai, for the management.
Nemo for the workman.

AWARD

The State Government of Haryana referred the following dispute between the workman Shri Raj Kumar Singh and the management of M/s Unitron Limited, Plot No. 1-2, N. I. T., Faridabad, by order No. ID/FD/11/82/10592, dated 12th March, 1982, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section 10 of Industrial Disputes Act, 1947.—

Whether the termination of services of Shri Raj Kumar Singh was justified and in order ? If not, to what relief is he entitled ?

Notices of the reference were sent to the parties who appeared and the case was fixed for filing the claim statement. On the date fixed, the workman did not appear but the management was present Shri S. L. Sharma, Personnel Officer of the respondent management made a statement that the workman had received a sum of Rs. 2073/84 in settlement of his dispute before Shri O. D. Sharma, Labour-cum-Conciliation Officer. The copy of settlement was Ex. M-1. Therefore, he prayed that no dispute award may be passed.

In view of the statement and settlement, I pass my award that the workman had settled his dispute with the management and there nothing remain for adjudication.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Dated the 22nd May, 1982.

Endorsement No. 540, dated 28th May, 1982.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 9(1)82-6-Lab/5735.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Stainco Enterprises Pvt. Ltd. Mathura Road, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 280/79

between

THE WORKMEN AND THE MANAGEMENT OF M/S STAINCO ENTERPRISES PVT. LTD.
MATHURA ROAD, FARIDABAD.

Present:

Shri J. S. Saroha for the management.
Nemo for the workman. c

AWARD

The State Government of Haryana referred the following dispute between the management of M/s. Stainco Enterprises Private Limited, Mathura Road, Faridabad and its workman, by order No. 39563 dated 11th September, 1979, to this Tribunal, for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947:—

Whether the closure of the factory with effect from 12th July, 1979 is justified and in order?
If not, to what relief the workmen are entitled?

Notices of the reference were issued to the parties who appeared and filed their pleadings. On the pleadings of the parties, following issues were framed by my order dated 19th May, 1980:—

- (1) Whether the Government did not apply its mind for referring the dispute?
- (2) Whether the claims statement is filed and signed by proper person?
- (3) Whether the management declared lockout with effect from 11th July, 1979. If so, to what effect?
- (4) Whether the closure of the factory with effect from 12th July, 1979 is justified and in order? If not, to what relief the workmen are entitled?
- (5) Whether the workmen raised any demand and the same was rejected by the management before going to the Conciliation Officer?

Management examined Shri Bishan Dass Assistant O/o Labour Commissioner, Haryana, Chandigarh as MW-1 Shri Kartar Singh, Sub Inspector Police City Sonepat as MW-2, Shri Rati Ram

Reader O/o Presiding Officer, Industrial Tribunal, Haryana Faridabad as MW-3, Shri Mool Chand Head Clerk O/o Labour Officer, Sector-21 Faridabad as MW-4, Shri Sampuran Singh of Central Police Station, Sector-15 Faridabad as MW-5, Shri Ram Phool, F. C. No. 61, Police Station Sadar, Palwal as MW-6, Shri M. K. Gangoli, Welfare Officer as MW-7, Shri S. Dass Gupta, Project Manager as MW-8, Shri A. K. Sen Gupta, Purchaser of the management as MW-9 and Shri R. Sen Gupta, Tracer of the management as MW-10. The workmen took six opportunities for evidence but did not lead any rather on the last date, the representative of the workman pleaded no instructions and he withdrew himself from the proceeding. The evidence of the workmen was closed and *ex parte* argument were heard.

Issue No. 1.

The management examined MW-1 who had brought original file. He had stated that the management did not appear in the conciliation proceedings even after issue of repeated call letters. I peruse the file of Labour Commissioner, Haryana and find that the Labour Commissioner had applied his mind in taking decision on the present reference. A note to this effect was given after the statement of MW-1. In this circumstances, I decide this issue No. 1 against the management.

Issue No. 4.

I take up issue No. 4 first because this issue is as per the reference.

MW-2 stated that he was posted as incharge Police Post, Old Faridabad on 10th July, 1979. He had received a letter from the management through the Project Manager for apprehension of breach of peace from the workers. It was also requested that the property of the factory may be protected. The copy of letter was Exhibit M-2. He went to the spot and the workmen were taken in. Another letter was received on 11th July, 1979 from the management in which it was stated that Welfare Officer, Factory Manager and some loyal workers with a security man were under gherao. The letter was Exhibit M-3. He reached the spot and found gherao. The workmen were bent upon to disturb peace and property. He persuaded the workers to abide by law. MW-5 stated that he had brought the summoned record. The complaint was received from D.S.P. Faridabad, copy of which was Exhibit M-4 bearing Police Station stamp. MW-6 reader of the Court stated that on Exhibit M-5 appeared his signature. It was issued in reference No. 107 of 1979 which was decided. MW-6 stated that in June, 1979, he was posted on Police post, Sector-28, Faridabad. Original of Exhibit M-8 appeared his signature. He had been going to the factory alongwith his companion for 3 or 4 days. They persuaded the workers. There were two partner in the factory. One party of workers did not allow the workmen to enter the factory gate. In cross examinations, he stated that there was strike in the factory, in those days and the workers sitting outside the factory gate did not allow the workmen to enter in the factory. MW-7 stated that in first week of June, a labour trouble was started in their factory. The workers resorted to slow down and tool down strike in the Factory. On June 20, 1979 there was a complete strike in the factory. The management displayed a notice on the board to and tool down but to no effect. Workmen made a gherao of the office staff alongwith him on 10th July, 1979. The police was called in. The gherao was lifted. They were abused and intimidated. He produced the copies of MW-7/1 to MW-7/17. MW-8 also corroborated the statement of MW-7.

I have gone through the various letters and documents placed on the file by the management and after going through the evidence, I find that such circumstances had been created by the workmen that it was not possible for the management to continue the work of the factory. The workmen have not lead any evidence. Therefore, believing the evidence available on the file, I find that the closure of the factory was justified.

Other Issues.

I have decided issue under reference in favour of the management, therefore I do not find any necessity to decide other issues.

While answering the reference, I give my award that the workmen are not entitled to any relief.

M. C. BHARDWAJ,

Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.

Endorsement No. 551, dated 31st May, 1982

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.